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## LATHAM & WATKINS LLP

January 20, 2021

### VIA ECF

Hon. Lewis J. Liman  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Courtroom 15C  
New York, NY 10007-1312

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Re: *Fishon v. Peloton Interactive, Inc.*, Case No. 1:19-cv-11711-LJL (S.D.N.Y.)  
Response to Plaintiffs' Letter-Motion re: Leave to File First Amended Complaint

Dear Judge Liman:

Pursuant to Rule 1(B) of Your Honor's Individual Rules for Practice in Civil Cases, we write on behalf of Defendant Peloton Interactive, Inc. ("Peloton") regarding Plaintiffs' January 15, 2021 letter motion requesting leave to file a First Amended Complaint (Dkt. No. 78). Peloton has now had the opportunity to review Plaintiffs' proposed First Amended Complaint (Dkt. No. 78-1), and writes to respectfully inform the Court that Peloton does not oppose Plaintiffs' motion for leave. To the extent the Court grants leave to amend, Peloton does intend to file a partial motion to dismiss the First Amended Complaint and, pursuant to Fed. R. Civ. P. 15(a)(3), will do so within fourteen (14) days of service of the amended pleading.

Respectfully submitted,

*/s/ Lilia B. Vazova*  
Lilia B. Vazova  
Of Latham & Watkins LLP  
Attorneys for Peloton Interactive, Inc.

cc: All counsel of record